



**HASBANI &
LIGHT, P.C.**

ATTORNEYS AT LAW

450 Seventh Ave
Suite 1408
New York, NY 10123

August 24, 2022

Rafi Hasbani
T. 212.643.6677
F. 347.491.4048
rhasbani@hasbanilight.com

Licensed in NY & NJ

VIA ECF

The Honorable Judge Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

Re: Windward Bora, LLC v. Stuyvesant Construction Corp. et al
Docket No. 19-CV-7275 (DLI) (CLP)

Dear Honorable Judge Irizarry:

Our office represents Windward Bora, LLC in the above referenced action. I respectfully request that a conference be held as Defendant's counsel's false allegations have gone far enough. Defendant's counsel has stooped to a new low and will clearly stop at nothing, even if it means alleging another attorney is liar. At this point, Defendant's counsel will grasp at any made up theory that he possesses to attempt to divert the court's attention from the true facts of this case. He has made desperate attempts by calling Plaintiff's member a liar, and now he attempts to call me a liar. To be clear, I have never in my life lied or fabricated any documents presented to any court. Defendant's counsel knows his claims are false, and he should be sanctioned for making such allegations to the court.

As shown in **Exhibit K** to Plaintiff's Reply memorandum, I emailed Plaintiff's member a copy of the affidavit on July 12, 2022. See **Exhibit A**. The email read "Hi Yonel, [p]lease see the attached affidavit for summary judgment. Please have it signed, notarized and email it back to me." See **Exhibit B**. The email shows that a word document named "Client Affidavit for MSJ (RH REVISED).docx" was attached. See **Exhibit B**. Said document was the affidavit sent to Yonel Devico on July 12, 2022. See **Exhibit C**. As seen from the word document history of "Client Affidavit for MSJ (RH REVISED).docx", the document was created on July 12, 2022. See **Exhibit D**. On July 13, 2022, Plaintiff's member emailed me back the signed signature page of the affidavit. See **Exhibit A** and **Exhibit E**. The email shows the document sent back from Devico to myself was a pdf document named "CCF_000781.pdf." See **Exhibit A**. As is generally standard practice, rather than printing out and rescanning the full document, the signature page alone is emailed back. As seen from the PDF properties of CCF_000781.pdf, the document was created on July 13, 2022. See **Exhibit F**.

Throughout Plaintiff's memorandum of law in support of the motion for summary judgment, I repeatedly mentioned the Devico affidavit. While not necessarily Defendant's counsel's obligation, but he never notified me that even though I reference a document all over my memorandum, he does not have said document. As admitted in my reply, I mistakenly failed to attach the affidavit to Defendant's counsel when I served him with my motion via email. On August 12, 2022, prior to serving the affidavit on Defendant's counsel, I had to combine the word version of the affidavit from July 12, 2022 and the executed signature page from July 13, 2022 to make the affidavit whole as intended. This is why the creation of the affidavit served shows August 12, 2022. This would not have been handled any differently if the affidavit was served on July 15, 2022. Also, how can I refer to exact paragraphs of the affidavit in a memo served on July 15, 2022 if the affidavit was not created until August 12, 2022.

Time and time again, Defendant has filed unnecessary motions that could have easily been resolved by a simple call to my office. He is using this as ammunition to divert the court's attention from the case at hand that Plaintiff is entitled to foreclose on its loan while Defendant doesn't have any proper defenses. Again, I respectfully request a conference to resolve this motion. I am willing to swear under oath and take any necessary measure to prove that I have not lied nor have I fabricated any documents to the court.

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/Rafi Hasbani
Rafi Hasbani, Esq.

Via ECF
Daniel Richland <dricland@rflegal.net>